

**Resolution of the Pima County Board of Supervisors Affirming  
Pima County's Commitment to the Clean Water Act**

Whereas, the Pima County Board of Supervisors has consistently affirmed its commitment to natural resource conservation and its devotion to environmental sensitivity in implementing all of its projects and programs, and

Whereas, the Pima County-adopted Sonoran Desert Conservation Plan and efforts underway to implement its various elements clearly confirm the Board's commitment to minimizing impacts of growth and development on the natural environment, and

Whereas, federal environmental regulations are rigorously followed by all Pima County agencies responsible for implementing projects and programs, and

Whereas, federal Clean Water Act permits have been solicited and secured for various Pima County projects since the adoption of this law in 1972, and

Whereas, recent changes to Section 404 Clean Water Act permit processes incorporate the identification of Traditional Navigable Waters and the determination of Significant Nexus to those Waters to define federal regulatory jurisdiction, and

Whereas, the U.S. Army Corps of Engineers has determined that the Santa Cruz River is a Traditional Navigable Water based on a May 23, 2008 Memorandum for the Record, and

Whereas, the Board of Supervisors desires to clearly declare its position with regard to adherence to federal regulatory requirements, and

Whereas, scientific, cultural and historic data presented by the Corps demonstrate navigability of the Santa Cruz River and the capacity to support and facilitate past and future commerce, such as outdoor recreation including cultural activities as well as the economic activity of national and international tourism,

**Now, Therefore,** be it resolved that the Pima County Board of Supervisors hereby directs staff to undertake the following actions:

1. Acknowledge and approve the Corps regulatory determinations of two segments of the Santa Cruz River as Traditional Navigable Waters within Pima County.
2. Request an Environmental Protection Agency (EPA) determination by Special Case that the entire Santa Cruz River is a Traditional Navigable Water, also known as (a)(1) waters, or that, at a minimum, preserves the Corps' regulatory determinations of two reaches of the Santa Cruz River as Traditional Navigable Waters and take other action to assure Clean Water Act application to Traditional Navigable Waters within Pima County if the designation is challenged by other parties.
3. Request the Governor of Arizona to: A) support EPA determination by Special

Case that the entire Santa Cruz River be designated a Traditional Navigable Water and take all available steps to assure Clean Water Act application to Traditional Navigable Waters within Pima County, and B) instruct the Arizona Department of Environmental Quality to support such action.

4. Advise the Arizona congressional delegation of Pima County's support with respect to proposed federal legislation pertaining to the Clean Water Act clarifying the scope and definition of Waters of the United States (House of Representative Bill 2421 and Senate Bill 1870).
5. Request State assistance to resolve conflicts over the ownership and control of navigable waters, specifically to allow counties and flood control districts, as political subdivisions of the State, to retain ownership and control of any properties under their ownership that are declared navigable waters, subject to the requirements of the public trust doctrine, regardless of jurisdictional location. Further, request the Governor of the State of Arizona to instruct State agencies to support County and Flood Control District ownership of navigable waterways.
6. Request Corps of Engineers and Environmental Protection Agency assistance regarding regulatory protection of all waterways within Pima County.
7. Request Corps of Engineers acknowledgment of the Regional Riparian Restoration element of the Sonoran Desert Conservation Plan and the development of program as well as regulatory incentives to facilitate implementation of this plan and to work cooperatively with the County in developing a Special Area Management Plan to assess impacts on valued aquatic or riparian resources on a cumulative basis.
8. Request Federal, as well as State, assistance to facilitate compliance with the Clean Water Act through the development of a transparent, efficient and standard process for application of, and compliance with, the Act.

Passed, adopted, and approved this 18th day of August, 2008.



Richard Elias, Chairman  
Pima County Board of Supervisors

AUG 18 2008

Attest:



Clerk of the Board of Supervisors

Approved as to Form:



Deputy County Attorney